IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 4376 OF 2006

IN

ARBITRATION APPLICATION NO. 139 OF 2006

Pravin J. Solanki .. Applicant

V/s

The Mulund Yeshwant Co-op. Housing Society Ltd. & Anr. .. Respondents

Mr.J.S. Keny with Mr.Kinjal Haria for the Applicant.

Mr.Pankaj Das for Respondent No.1.

Mr.R.S. Datar for Respondent No.2.

CORAM : H.L. GOKHALE, ACG. CJ.

DATE : 23RD FEBRUARY 2007

P.C. :

1. Heard the counsel for the parties.

2. Motion seeks restoration of the Application which was dismissed for default on 6th October 2006 by another Court. Both the Respondents have no objection to the restoration of the Application. Accordingly, motion is made absolute in terms of prayer (a). Application will stand restored to the file. Main Application be listed on 9th March 2007.

3. It is seen that the building of Respondent No.1 Society has been repaired and reconstructed by Respondent No.2. The Applicant is one of the flat owners. He is to be put back in the premises. The entire dispute is as to whether exact area is being given to the Applicant or not. Respondent No.2 Developer/Contractor wants the Applicant to sign a particular agreement. Mr.Keni states that he is agreeable to sign that agreement, but the dispute with respect to the remaining area will have to be decided and for that purpose, the application is filed.

4. Mr.Datar for Respondent No.2 states that Respondent No.2 has no objection to hand over the possession provided the Applicant enters into the agreement. Mr.Datar will pass over a copy of the agreement within one week. We expect the parties to arrive at an amicable settlement by the next date.

5. Motion stands disposed of.

ACTING CHIEF JUSTICE